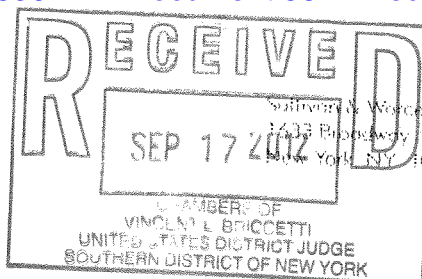


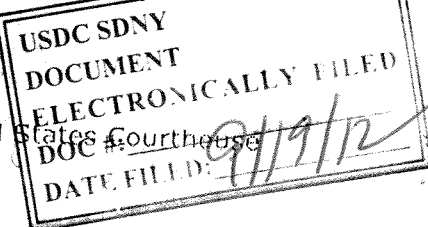
SULLIVAN &
WORCESTERSullivan & Worcester LLP
1403 Broadway
New York, NY 10019T 212 660 3000
F 212 660 3001
www.sandw.com

MEMO ENDORSED

September 17, 2012

By Fax

Hon. Vincent L. Briccetti, U.S.D.J.

The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: Pantoja v. Banco Popular, 11-CIV-3636(VB)

Dear Judge Briccetti:


This firm represents defendant American Security Insurance Company ("ASIC") in the referenced matter. We write without having conferred with plaintiff *pro se* Rafael Pantoja ("Pantoja"), who is incarcerated and reachable only by regular mail. This letter concerns the schedule for briefing Mr. Pantoja's latest motion for reconsideration.

We did not know until late last week that Pantoja had moved for reconsideration of the Court's August 9, 2012 decision denying, *inter alia*, plaintiff's motion for leave to amend the complaint. This firm received Mr. Pantoja's motion papers by mail on Thursday, September 13, 2012. We noted today, however, that Mr. Pantoja, in his affidavit of service, purports to have served these papers on August 31. Were that so, ASIC's papers in opposition would be due to be filed today under Local Rule 6.1(b). But it is not.

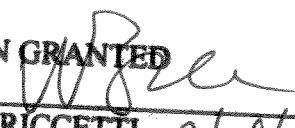
Quite plainly, Mr. Pantoja's affidavit of service is incorrect. At the top of Pantoja's notice of motion and his memorandum of law in support of the motion are email blocks indicating that the documents were finalized or printed no earlier than September 7, 2012. And appearing at the top of Pantoja's affidavit of service is a similar email block indicating that the affidavit was finalized or printed no earlier than September 3rd. (See attached Notice of Motion, page 1 of the memorandum of law, and the Affidavit of Service, each dated August 31, 2012). These later dates make sense in the context of when we actually received the papers.

We respectfully request that the Court permit ASIC to file its papers in opposition to the motion on or before September 27, 2012, two weeks after we actually received the moving papers.

Respectfully submitted,


Andrew T. Solomon
Attorney at Law

Direct line: 212 660 3023

cc: Rafael M. Pantoja (by U.S. Mail)
John P. Doherty, Esq. (by email)

APPLICATION GRANTED
SO ORDERED
VINCENT L. BRICCETTI
U.S.D.J.

Defendants ASIC and Banco Popular's
papers in opposition to the motion
for reconsideration are due
9/27/12.

TRULINCS 76012053 - PANTOJA, RAFAEL - Unit: BRO-C-A

FROM: 76012053
TO: Jacobs, Howard
SUBJECT: Reconsideration Application
DATE: 09/07/2012 04:55:36 PM

Government Mortgage Action

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFAEL MANUEL PANTOJA, ----- X

Plaintiff,

-against-

NOTICE OF MOTION

11 Civil 3636(VLB)

BANCO POPULAR AND AMERICAN SECURITY
INSURANCE COMPANY,

Respondent. -----X

PLEASE TAKE NOTICE, that upon the accompanying Reconsideration Memorandum of Law of RAFAEL M. PANTOJA, dated August 24, 2012, and all the papers filed and proceedings had herein, the Plaintiff will move before the Honorable Vincent L. Briccetti, United States District Court Judge, at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, on a day and time to be set by the Court, requesting that the Court reconsider the decision dated August 9, 2012 denying the plaintiff's motion for leave to amend the amended complaint, and for an Order granting the plaintiff leave to file the proposed Second Amended Complaint in accordance with the Certified Consent Judgment registered and filed in the United States District Court for the Southern District of New York, or, alternatively and in the interests of justice, exercising judicial discretion referring this action to the United States District Court for the District of Columbia (The Honorable Rosemary M. Collyer) which ordered the Consent Judgment, and to grant such other and further relief as the Court may deem just and proper.

Dated: Brooklyn, New York
August 31, 2012

Respectfully submitted,

Rafael Manuel Pantoja
Plaintiff
100 29th Street
Brooklyn, New York 11232
914-648-5403

TRULINCS 76012053 - PANTOJA, RAFAEL - Unit: BRO-C-A

FROM: 76012053
TO:
SUBJECT: Memorandum of Law
DATE: 09/07/2012 05:00:09 PM

Supporting Points of Law

Plaintiff RAFAEL MANUEL PANTOJA respectfully submits this reconsideration memorandum of law in support of its motion for leave to amend the amended complaint with the proposed second amended complaint ("SAC"), and for reconsideration of the Court's decision so ordered on August 9, 2012 denying the plaintiff's motion for leave to amend and file the SAC submitted to this Court.

PRELIMINARY STATEMENT

In his motion for leave to file the proposed second amended complaint ("SAC"), the plaintiff may have been completely at fault for failing to provide sufficient information for the Court to take judicial notice of the precedential and authoritative case, UNITED STATES, et al. v. JP MORGAN CHASE BANK, et al., Case No. 12-0361(RMC)(" [T]he authenticity of the Consent Judgment attached to the proposed [SAC] is somewhat suspect. The document contains no civil action number, is undated, and is not signed by any judge"). However, because the Court has committed to construe the plaintiff's submissions "broadly", raising "the strongest argument that it suggests", the plaintiff respectfully requests the Court to take judicial notice of that Government Mortgage Action and Judgment, including the filed Complaint, the Consent Judgment, the terms, standards and remedial measures set forth in Exhibits A through H and incorporated as an integral part of the Consent Judgment entered on March 12, 2012 ("Government Mortgage Action").

ARGUMENT

I. 28 U.S.C. 1963

The plaintiff is apprising this Court that the Consent Judgment in the Government Mortgage Action entered by the Honorable Rosemary M. Collyer in the United States District Court for the District of Columbia has been registered by filing a certified copy of the Consent Judgment in the United States District Court for the Southern District of New York. 28 U.S.C. 1963. The Consent Judgment was entered by the Court on March 12, 2012 (long after the state judgments that the Court judicially noticed in this case), and has become final and non-appealable. The Consent Judgment was entered in favor of the

TRULINCS 76012053 - PANTOJA, RAFAEL - Unit: BRO-C-A

FROM: 76012053
TO:
SUBJECT: Certificate of Service
DATE: 09/03/2012 09:20:15 AM

Service by Mail- Reconsideration Motion

CERTIFICATE OF SERVICE

I certify that on August 31, 2012 (17 days after receipt of the Court's August 9, 2012 Decision), I served a true and correct copy of Plaintiff's Notice of Motion for Reconsideration, together with the Memorandum of Law in support of that application:

(1) by U.S. mail upon:

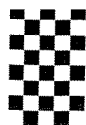
Alston & Bird LLP
90 Park Avenue
New York, New York 10016
(Attorneys for Defendant Banco Popular)

(2) by U.S. mail upon:

Sullivan & Worcester LLP
Attorneys at law
1633 Broadway, 32nd Floor
New York, New York 10019
(Attorneys for Defendant ASIC)

Dated: Kings, New York
August 31, 2012


Rafael M. Pantoja



SULLIVAN &
WORCESTER

Sullivan & Worcester LLP
360 Broadway
New York, NY 10019

T 212 660 3000
F 212 660 3001
www.sandw.com

FAX COVER SHEET

TO:	Company:	Fax Number:	Phone Number:
Hon. Vincent L. Briccetti	U.S. District Court for the Southern District of New York	914 390 4170	914 390 4166

FROM:	Email Address	Phone Number:
Andrew T. Solomon	asolomon@sandw.com	212 660 3023

NO. OF PAGES (including this cover sheet)	5	DATE	17-Sep-12
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Please see attached.

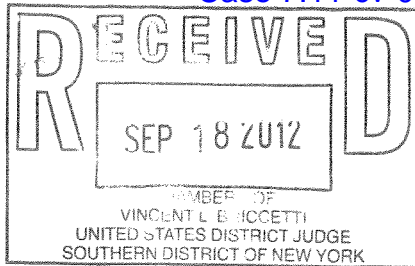
User Number:	Client / Matter:	20283.0009	Fax Job Code
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BOSTON NEW YORK WASHINGTON, DC

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BOSTON NEW YORK WASHINGTON, DC this message, please call 212 660 3000. Our Facsimile No. is 212 660 3001.



ALSTON & BIRD LLP

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Michael P. De Simone

Direct Dial: 212-210-9537

E-mail: michael.desimone@alston.com

September 17, 2012

VIA FACSIMILE (914) 390-4170

Honorable Vincent L. Briccetti
United States District Court Judge
Southern District of New York
300 Quarropas Street, Room 630
White Plains, New York 10601-4150

Re: *Rafael M. Pantoja v. Banco Popular & American Security Ins. Co.*,
Case No. 11 Civ. 3636 (S.D.N.Y.)

Dear Judge Briccetti:

Alston & Bird LLP represents defendant Banco Popular in the above-referenced action. We also write in connection with the briefing schedule of plaintiff *pro se* Rafael Pantoja's ("Pantoja") latest motion for reconsideration.

We received Pantoja's motion papers by U.S. Mail on Friday, September 14, 2012. For the reasons set forth in defendant American Security Insurance Company's ("ASIC") counsel's letter to Your Honor dated today, we join in ASIC's request and respectfully request that the Court also permit Banco Popular to file its papers in opposition to Pantoja's motion on or before September 27, 2012.

We are grateful for the Court's attention to this matter.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "Michael P. De Simone", written over a horizontal dashed line.

Michael P. De Simone

cc: Mr. Rafael Pantoja (via U.S. Mail)
Andrew T. Solomon, Esq. (via email)

LEGAL02/33641121v1